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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SURGICAL INSTRUMENT SERVICE
COMPANY, INC.,

Plaintiff,

v.

INTUITIVE SURGICAL, INC.,
Defendant.

Case No. 3:21-cv-03496-AMO

**DECLARATION OF KENNETH A.
GALLO REGARDING
SUPPLEMENTAL CERTIFICATE
OF SERVICE FOR PARTIES'
JOINT ADMINISTRATIVE
MOTION TO CONSIDER
WHETHER ANOTHER PARTY'S
MATERIAL SHOULD BE SEALED**

The Honorable Araceli Martínez-Olguín

1 I, KENNETH A. GALLO, declare as follows:

2 1. I am an attorney licensed to practice in New York and the District of Columbia,
3 and am admitted *pro hac vice* to practice before this Court. I am a partner with the law firm of
4 Paul, Weiss, Rifkind, Wharton & Garrison LLP (“Paul, Weiss”), counsel for Intuitive Surgical,
5 Inc. (“Intuitive”) in this matter. I have personal knowledge of the facts set forth herein, and if
6 called to testify, I could and would testify competently hereto.

7 2. On December 16, 2024, Intuitive and Plaintiff Surgical Instrument Service
8 Company, Inc. (“SIS”), filed a Joint Administrative Motion to Consider Whether Another
9 Party’s Material Should Be Sealed Pursuant to Local Civil Rule 79-5(f) (the “Motion to
10 Consider”). Dkt. 341. As detailed in that Motion, the following non-parties indicated that they
11 may seek to seal certain exhibits and/or deposition testimony at trial in this matter:

- 12 • Alliance Healthcare Partners
- 13 • Asensus Surgical
- 14 • CMR Surgical
- 15 • Franciscan Health
- 16 • Restore Robotics
- 17 • Stryker
- 18 • Valley Medical Center

19 3. As indicated in my Certificate of Service to the Motion to Consider, on that same
20 day I caused a copy of the Motion to Consider to be served on counsel for each of these non-
21 parties.

22 4. On December 18, 2024, Thomas W. Hazlett of Ballard Spahr LLP, counsel for
23 Asensus Surgical, sent an email to counsel for Intuitive and SIS in which he indicated that
24 Asensus Surgical would be withdrawing its request to seal the Asensus Surgical materials
25 referenced in the Motion to Consider.

26 5. On December 20, 2024, Manuel John Dominguez of Cohen Milstein Sellers &
27 Toll PLLC, counsel for Franciscan Health and Valley Medical Center, sent an email to counsel
28 for Intuitive and SIS in which he indicated that Franciscan Health and Valley Medical Center

1 would be not be seeking to seal any of the documents produced by, or deposition testimony from
2 witnesses associated with, Franciscan Health and Valley Medical Center that had been
3 referenced in the Motion to Consider.

4
5 I declare under the penalty of perjury under the laws of the United States that the
6 foregoing is true and correct.

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8 Dated: December 27, 2024

By: /s/ Kenneth A. Gallo

9 KENNETH A. GALLO
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